

SENATE BILL 387

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6, Part 1; Title 39, Chapter 17, Part 4 and Title 55, Chapter 10, Part 4, relative to certain forensic laboratories.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, 39-17-420, is amended by deleting subsection (e) and by substituting instead the following:

(e) In addition to all other fines, fees, costs and punishments now prescribed by law, in counties of the state having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000), or a population greater than seven hundred thousand (700,000) according to the 2000 federal census or any subsequent federal census, a drug testing fee of twenty dollars (\$20.00) shall be assessed upon conviction of a violation of this part whenever a drug analysis is performed by a publicly funded forensic laboratory or other forensic laboratory maintained in or operated by any such counties. This fee shall be collected by the clerks of the various courts of such counties and forwarded to the appropriate county trustees on a monthly basis and designated for the exclusive use of the publicly funded forensic laboratory of such counties.

SECTION 2. Tennessee Code Annotated, Section 55-10-419, is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following:

(a) In addition to all other fines, fees, costs and punishments now prescribed by law, including the fee imposed pursuant to § 55-10-403(h), a blood alcohol or drug concentration test (BADT) fee in the amount of one hundred dollars (\$100) shall be assessed upon conviction for a violation of §§ 39-13-106, 39-13-213(a)(2), 39-13-218 or 55-10-401, for each offender who has taken a breath-alcohol test on an evidential breath

testing unit provided, maintained and administered by a law enforcement agency, or where breath, blood or urine has been analyzed by a publicly funded forensic laboratory or other forensic laboratory operated by and located in counties having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000), according to the 2000 federal census or any subsequent federal census, for the purpose of determining the alcohol or drug content of such blood.

(b)

(1) Except in those counties having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000), according to the 2000 federal census or any subsequent federal census, this fee shall be collected by the clerks of the various courts of the counties and forwarded to the state treasurer on a monthly basis for deposit in the TBI toxicology unit intoxicant testing fund created as provided in subsection (c), and designated for exclusive use by the Tennessee bureau of investigation for the purposes set out in subsection (c).

(2) In those counties having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000), according to the 2000 federal census or any subsequent federal census, this fee shall be collected by the clerks of the various courts of such counties and shall be forwarded to the county trustees of such counties on a monthly basis and designated for the exclusive use of the publicly funded forensic laboratory in such counties.

SECTION 3. Tennessee Code Annotated, Section 38-6-103, is amended by deleting the last sentence of subsection (d)(1) and by substituting instead the following:

Except when and as provided in this subdivision and subdivision (e)(2), the appropriate clerk, after deducting five percent (5%) as compensation, shall identify such fees to the Tennessee bureau of investigation and remit the same to the state treasury to be expended as appropriated by the general assembly. The appropriate clerk shall, after deducting five percent (5%) as compensation, remit the fees provided in subsection (d) directly to the county trustee of any county having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000), according to the 2000 federal census or any subsequent federal census, that operates its own forensic laboratory.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.